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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/701,456

11/27/2000

George Friedman

1242-00

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35811

7590

09/22/2004

IP DEPARTMENT OF PIPER RUDNICK LLP
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EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,456

Applicant(s)

FRIEDMAN ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9, 11, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending in this application and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 10, 12 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Winiger US 5,845,068.

As for claim 1, Winiger teaches a port blocking method for securing data (abstract) comprising: a port request detection step of detecting a port request for use of a port sent by a process (col. 6 lines 30-40); a process identification step of determining the identity of said requesting process (col. 6 line 38-42); a process check step of determining if said process should be permitted to access said port (col. 6 lines 30-50); and a permit/deny step of allowing said port request to be fulfilled if said process should be permitted to access said port and denying said port request if said process should not be permitted to access said port (col. 6 lines 30-50).

As for claim 2, Winiger teaches the method of claim 1 where said process check step comprises: a secure process list check step of determining whether said process appears on a list of secure processes (col. 8 lines 30-55).

As for claim 8, Winiger teaches a port blocking system (abstract) wherein said port blocking system operates to detect a port request for use of a port sent by a process (col. 6 lines 30-50); determine the identity of said requesting process (col. 6 lines 38-42); determine if said process should be permitted to access said port (col. 6 lines 30-50); and allow said port request to be fulfilled if said process should be permitted to access said port and deny said port request if said process should not be permitted to access said port (col. 6 lines 30-55).

As for claim 10, Winiger teaches a secured data transmission system (abstract) having a port blocking system which operates to detect a port request for use of a port sent by a process (col. 6 lines 30-50); determine the identity of said requesting process (col. 6 lines 38-42); determine if said process should be permitted to access said port (col. 6 lines 30-50); and allow said port request to be fulfilled if said process should be permitted to access said port and deny said port request if said process should not be permitted to access said port (col. 6 lines 30-55).

As for claim 12, Winiger teaches a computer comprising a communications port and configured to protect secure data by including a port blocking system (abstract) which operates to detect a port request for use of a port sent by a process (col. 6 lines

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30-50); determine the identity of said requesting process (col. 6 lines 38-42); determine if said process should be permitted to access said port (col. 6 lines 30-50); and allow said port request to be fulfilled if said process should be permitted to access said port and deny said port request if said process should not be permitted to access said port (col. 6 lines 30-50).

As for claim 14, the claim represents the computer program product embodied in a memory medium that when executed causes the apparatus of claim 12 to carry out the operation steps of that claim. Therefore claim 14 is rejected on the same basis as claim 12.

Allowable Subject Matter

4. Claims 3-9, 11, 13, and 15 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach a port blocking system that; tracks an open port request, determines whether the identity and permission of the requesting process/application, and which additionally logs a close port request from the process/application.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US patent documents teach systems of port access control similar to that of the applicant:

Belville et al. 5,828,833

Schneider et al. 6,105,027

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (703) 306-3036. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

9/14/04

Paul Callahan